

REMARKS

Claims 1 and 3-82 remain pending. Claims 5, 8, and 14-81, however, have been withdrawn as to a non-elected invention. Applicants respectfully request reconsideration of the above-referenced U.S. patent application in light of the interview conducted with the Examiner on July 26, 2005 and the foregoing remarks.

At the outset, Applicants acknowledge with appreciation that claim 82 is in condition for allowance if rewritten into independent form including all of the limitations of the base claim and any intervening claims. Applicants further note that claims 1, 3, 4, 6, 7, 9, and 10 stand rejected only under 35 U.S.C. § 112, first paragraph. No prior art has been applied against these claims in the April 28, 2005 Office Action.

Applicants also acknowledge with sincere appreciation the interview that was conducted with Examiner Hindi. During the interview, Applicants' representative discussed the 35 U.S.C. § 112, first paragraph rejection of claims 1, 3, 4, 6, 7, 9, and 10. Specifically, that the "non-polarization-type light-path splitting part," as recited in claim 1, *is* supported by Applicants' specification and FIG. 3 (the embodiment elected in the restriction requirement).

Applicants' representative directed the Examiner's attention to elements 'HOE 2012' and 'Dichroic prism 104' illustrated in FIG. 3. In conjunction with FIG. 3, the Examiner's attention was directed to Applicants' specification pg. 4, ll. 6-7 which discloses that "the light passes through a dichroic prism (dichroic element) 104, and to Applicants' specification pg. 43, ll. 16-21, which discloses HOE unit 201 that it a non-polarization type light-path splitting element. In other words, the HOE element 201 *includes* a non-polarization-type light-path splitting element HOE 2012. Consequently, Applicants' specification and FIG. 3 illustrate the use of both elements in the same embodiment.

Applicants' representative then discussed the 35 U.S.C. § 102(b) rejection of claims 11-13 as being anticipated by U.S. Patent No.: 5,974,020 ("Ju"). The Examiner acknowledged that, in that April 28, 2005 Office Action, he equated Ju's element 55, the dichroic prism 55, as being analogous to Applicants' claimed non-polarization-type light-path splitting part. The Examiner's attention was directed to Ju's Col. 4, ll. 52-57, which indicates that Ju's dichroic prism 55 does *not* split light but rather is a light combination part.

Claims 1, 3, 4, 6, 7, 9, and 10 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The rejection is respectfully traversed.

The Office Action asserts that the specification does not disclose the use of a "non-polarization type beam light path splitting part." (Office Action, pg. 2). At the outset, Applicants respectfully submit that claim 1 recites, *inter alia*, "a non-polarization-type light-path splitting part," and does not recite a non-polarization type beam.

The Examiner noted that the dichroic element is the same as the non-polarization element and that neither FIG. 3 nor Applicants' specification illustrate the use of both in the same embodiment (Office Action, pg. 2). Applicants respectfully submit that Applicants' claimed dichroic element and non-polarization-type light-path splitting part are *not* the same elements. For example, FIG. 3 illustrates element 'HOE 2012' and element 104. HOE 2012 illustrates Applicants' claimed non-polarization-type light-path splitting part and element 104 illustrates Applicants' claimed dichroic prism 104. Consequently, *both* elements *are* illustrated as being used in the same embodiment, *i.e.*, FIG. 3.

Moreover, the Examiner's attention is directed to Applicants' specification which provides further support. Specifically, "[t]he PBS 103 that is a polarization-type light-path splitting element is used for the DVD optical system and the HOE unit 201 that is a non-polarization type light-path splitting element is used for the CD optical system in each of the first and second embodiments shown in FIG. 3." (Applicants' specification, pg. 43, ll. 16-21). In other words, element HOE 201 *includes* a non-polarization-type light-path splitting element, *i.e.*, HOE 2012. Next, Applicants' specification provides that "light passes through a dichroic prism (dichroic element) 104." (Applicants' specification, pg. 4, ll. 6-7). As a result, Applicants' claimed non-polarization-type light-path splitting element and dichroic element *are* supported and illustrated in Applicants' specification.

Claims 11-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ju. The rejection is respectfully traversed.

The Office Action asserts that Ju discloses "a non-polarizing beam splitter (dichroic prism 55) for splitting the light beam emitted from the second light source." (Office Action, pg. 3). The Examiner's attention is respectfully directed to Ju's Col. 4, ll. 52-57, which states that "[t]he dicrom-prism or the dicromirror 55 allows the light of one single wavelength to be transmitted, while reflecting the light of another single wavelength. Therefore, it *can couple* the two light beams from two laser diodes 51 and 52 *together* to form *one* light beam." (emphasis added).

Ju's dicrom-prism or dicromirror 55 does *not* split the light emitted from a second light source and a light traveling toward the second detection part. In other words, Ju's dicromirror 55 arguably corresponds to Applicants' claimed "light-path combination part combining light paths of the lights of the first and second wavelengths," as recited in claim 11. Consequently, Ju does *not* disclose "a non-

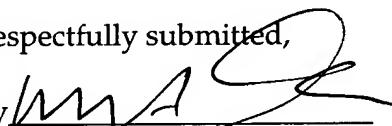
polarization-type light-path splitting part splitting the light emitted from said second light source and a light traveling toward said second detection part," as recited in claim 11. In fact, Ju does *not* disclose such an element.

Claims 12-13 depend from claim 11 and should be similarly allowable along with claim 11 for at least the reasons provided above, and on their own merits.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to review and pass this application to issue.

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Respectfully submitted,

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